

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

THOMAS SETH POWERS,

PLAINTIFF,

V.

ENRIQUE HIDALGO FELIPE and M&J
LOGISTICS aka MONJAY LOGISTICS,
LLC,

DEFENDANTS.

CASE NO.: 0:21-cv-00554-TLW

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT

The Defendants would respectfully show unto the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on January 21, 2021 in the Court of Common Pleas for Fairfield County, South Carolina. Attached for the Court are copies of the Plaintiff's Summons and Complaint. The Complaint is the first pleading served upon the Defendants in this action, and service was affected on the Defendants on January 28, 2021. Therefore, removal is timely under 28 U.S.C. §1446(b).

2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiff is a resident of the State of South Carolina. Defendant Enrique Hidalgo Felipe is a resident of the State of North Carolina. Defendant M&J Logistics aka Monjay Logistics, LLC is a business incorporated under the laws of the State of North Carolina, with its

principal place of business located in North Carolina. This action has been brought by the Plaintiff against the Defendants for an accident alleged to have occurred in Fairfield County, South Carolina.

3. Venue is proper in the Rock Hill Division of this Court pursuant to 28 U.S.C. §1441(a).

4. Plaintiff's counsel has alleged that the amount in controversy in this matter exceeds Seventy-Four Thousand Nine Hundred Ninety-Nine and 00/100 (\$74,999.00) Dollars due to Plaintiff's alleged severe injuries suffered as a result of the accident underlying the Plaintiff's Complaint where the Plaintiff was driving a moped that was struck by the Defendants' tractor trailer. The Plaintiff alleges that he has suffered and will continue to suffer physical pain, temporary and permanent disability, loss of earnings, and loss of enjoyment of life. The Plaintiff has also pled a claim for punitive damages.

5. The Defendants have filed no pleading in this action with the Court of Common Pleas of Fairfield County, South Carolina, in response to the Plaintiff's Complaint. The Defendants' Answer to the Plaintiff's Complaint is being filed shortly after this Notice of Removal.

6. The Defendants have furnished a copy of this Notice to the Clerk of Court for Fairfield County, South Carolina.

BROWN & BREHMER

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